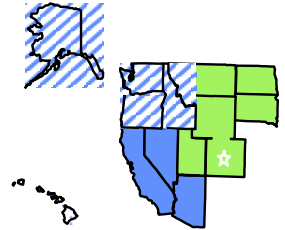




US Army Environmental Center Western Regional Environmental Office REGION 9 – APRIL 2003 WESTERN REGION REVIEW



The WESTERN REGION REVIEW provides current information on significant regulatory & legislative developments, as well as related information affecting US Army activities & operations in the Federal Region 9 area: Arizona, California, Hawaii and Nevada. We appreciate your feedback & encourage you to submit suggestions for future discussion. Please contact Marius Gedgaudas at the Western Regional Environmental Office, U.S. Custom House, 721 19th Street, Room 427, Denver, CO 80202-2500, or e-mail: mgedgaud@rma.army.mil.

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DID YOU KNOW?

- The electronic version of the Western Region Review has been enhanced to increase ease in navigating through the document. Simply "click" on a topic in the table of contents and go directly to that section – to return to the top of the section click "top of section" - and to return to the top of document click "top of review". In addition, the agency emblems/logos and state flags hyperlink directly to the website – simply click and you are on your way.

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FEDERAL AGENCY NEWS & REGULATORY DEVELOPMENTS



ENVIRONMENTAL PROTECTION AGENCY (EPA) INFORMATION

AIR INFORMATION:

FINAL RULE - PREVENTION OF SIGNIFICANT DETERIORATION (PSD)— On 10 March 2003 (68 FR 11316), EPA revised the applicable implementation plans concerning the PSD program mandated by the Clean Air Act. These revisions incorporate newly promulgated paragraphs of the Federal PSD rule into the federal implementation plan portion of a state's implementation plan where the state does not have an approved PSD State Implementation Plan in place. Specifically, the revisions incorporate new applicability provisions in the Federal PSD rules for baseline emissions determination, actual-to-projected-actual methodology, plant-wide applicability limitations, clean units, and pollution control projects. The changes are intended to ensure comprehensive and consistent implementation of the Federal PSD program by state, local, and tribal agencies where EPA has determined that they have the responsibility to implement the Federal PSD program. The rule was effective 3 March 2003. For further information, contact Lynn Hutchinson, EPA at (919) 541-5795, or e-mail: hutchinson.lynn@epa.gov.

WASTE INFORMATION:

REVISED GUIDANCE – SUPERFUND EXPOSURE ASSESSMENT UPDATE - EPA has posted an updated version of the Superfund risk assessment guidance, titled, "Calculating Upper Confidence Limits for Exposure Point Concentrations at Hazardous Waste Sites." The document is an update to the 1992 guidance originally developed to supplement EPA's Risk Assessment Guidance for Superfund that describes a general approach for estimating exposure of individuals to chemicals of potential concern at hazardous waste sites. The update is available at <http://www.epa.gov/superfund/programs/risk/ragsa/ucl.pdf>.

REVISED GUIDANCE – SOIL SCREENING AND INSTITUTIONAL SITE CONTROLS - EPA has posted guidance documents relevant to site remediation. The guidance documents are titled: (1) "Supplemental Guidance for Developing Soil Screening Levels for Superfund Sites," and (2) "Institutional Controls: A Guide to Implementing, Monitoring, and Enforcing Institutional Controls at Superfund, Brownfields, Federal Facility, UST and RCRA Corrective Action Cleanups, August 2002." The guidance documents: (1) provide Superfund, brownfields, federal facility, UST, and RCRA corrective action site managers and site attorneys with an overview of responsibilities for the implementation, monitoring, and enforcement of institutional controls at their sites; and (2) discuss common issues site managers and site attorneys may encounter when carrying out the responsibilities. The respective guidance documents are available at http://www.epa.gov/superfund/resources/soil/ssg_main.pdf, and <http://www.epa.gov/superfund/action/ic/guide/icgdraft.pdf>.

WATER INFORMATION:

FINAL RULE – WITHDRAWAL OF JULY 2000 TMDL AMENDMENTS - On 19 March 2003 (68 FR 13607), EPA withdrew the final rule entitled “Revisions to the Water Quality Planning and Management Regulation and Revisions to the National Pollutant Discharge Elimination System Program in Support of Revisions to the Water Quality Planning and Management Regulation” published on 13 July 2000. The July 2000 rule amended and clarified existing regulations implementing a section of the Clean Water Act (CWA) that requires states to identify waters that are not meeting applicable water quality standards and to establish pollutant budgets, called Total Maximum Daily Loads (TMDLs), to restore the quality of those waters. The July 2000 rule also amended EPA's National Pollutant Discharge Elimination System (NPDES) regulations to include provisions addressing implementation of TMDLs through NPDES permits. The July 2000 rule has never become effective. EPA withdrew the July 2000 rule because it believes that significant changes would need to be made to the July 2000 rule before it could represent a workable framework for an efficient and effective TMDL program. Furthermore, EPA needs additional time to decide whether and how to revise the currently effective regulations implementing the TMDL program in a way that will best achieve the goals of the CWA. The withdrawal of the July 2000 rule will not impede ongoing implementation of the existing TMDL program. The rule withdrawal will be effective 18 April 2003. For further information, contact Francoise Brasier, EPA at (202) 566-2385.

PROPOSED RULE – PROCEDURES FOR DETECTION AND QUANTITATION – On 12 March 2003 (68 FR 11770), EPA proposed revisions to the procedures for determining the sensitivity of analytical methods under the Clean Water Act (CWA). EPA's method detection limit (MDL) and minimum level of quantitation (ML) are used to define test sensitivity under the CWA. The MDL is used to determine the lowest concentration at which a substance is detected or is “present” in a sample. The ML appears in many EPA methods and has been used to describe the lowest concentration of a substance that gives a recognizable signal, or as a quantitation limit. The proposed revisions include clarifications and improvements that are based on a recent EPA assessment of the MDL and the ML and of alternative approaches for defining test sensitivity, peer review of the Agency's assessment, and earlier stakeholder comments on the existing MDL procedure. This proposal also revises the definition of the MDL to reflect the proposed revisions to the procedure. EPA's assessment of existing procedures for determining test sensitivity and alternative approaches was also made available for public comment in a separate notice in the Federal Register (68 FR 11791). Comments must be received by 10 July 2003. For further information, contact William Telliard, EPA at (202) 566-1061, or e-mail: telliard.william@epa.gov.

GENERAL INFORMATION:

NOTICE OF AVAILABILITY – DRAFT EPA 2003-2008 STRATEGIC PLAN - EPA has released its draft FY 2003-2008 Strategic Plan and requested public comments. The Plan lays out EPA's long-term goals and will be used as a guide for measuring progress and prioritizing environmental issues. The Strategic Plan is built around five goals, centered on the themes of air, water, land, communities and ecosystems, and compliance and environmental stewardship. In addition, the Plan discusses strategies EPA is applying across all five goals, in areas such as science, human capital, innovation, information, homeland security, and partnerships. The Plan is available at <http://www.epa.gov/ocfo/plan/2003sp.pdf>. Comments are due by 25 April 2003.

NOTICE OF AVAILABILITY – POLLUTION PREVENTION GRANTS - On 10 March 2003 (68 FR 11391), EPA announced the availability of approximately \$5 million available in fiscal year 2003 grant/cooperative agreement funds under the Pollution Prevention grant program. Grants/cooperative agreements will be awarded under the authority of the Pollution Prevention Act (PPA), subject to the availability of funds at the time of award. The PPA authorizes EPA to award grant funds to State, Tribal, and Intertribal Consortia programs that address the reduction or elimination of pollution across environmental media (air, land, and water) and to strengthen the efficiency and effectiveness of pollution prevention technical assistance programs in providing source reduction information to businesses. The notice describes the procedures and criteria for the award of these grants. For further information, contact Barbara Cunningham, EPA at (202) 554-1404, or e-mail: TSCA-Hotline@epa.gov.



GENERAL INFORMATION

NOTICE OF AVAILABILITY – GAO RECOMMENDATIONS FOR IMPROVING THE UST PROGRAM -

The Government Accounting Office (GAO) has released a report reviewing the underground storage tank program (GAO-03-529T). The report discusses the need for on-site inspection to establish compliance with monitoring and other requirements. The report indicates that officials in 40 states support a federal mandate requiring states to periodically inspect all tanks, in part because they expect that such a mandate would provide the states with needed leverage to obtain the requisite inspection staff and funding from their legislatures. For further information, contact John Stephenson, GAO at (202) 512-3841, or link: <http://www.gao.gov/new.items/d03529t.pdf>.

FINAL POLICY - EVALUATION OF CONSERVATION EFFORTS WHEN MAKING LISTING

DECISIONS – On 28 March 2003 (68 FR 15100), the Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) finalized their policy for the evaluation of conservation efforts when making listing decisions under the Endangered Species Act. The policy identifies criteria the Services will use in determining whether formalized conservation efforts that have yet to be implemented or to show effectiveness contribute to making listing a species as threatened or endangered unnecessary. The policy applies to conservation efforts identified in conservation agreements, conservation plans, management plans, or similar documents. The policy establishes two basic criteria: (1) the certainty that the conservation efforts will be implemented (based on funding, authority, procedures, schedule) and (2) the certainty that the efforts will be effective. For further information, contact Chris Nolin, FWS at (703) 358-2171, or Margaret Lorenz, NMFS at (301) 713-1401.

NOTICE OF AVAILABILITY – SITE ASSISTANCE VISITS LESSONS LEARNED – The Army Environmental Center led an integrated government team in conducting a series of Staff Assistance Visits (SAV) to installations representing five of the Army's Major Commands. The SAVs were structured to promote open discussion, address installation concerns, and identify issues that must be further addressed by command and support activities. The "Site Assistance Visits Lessons Learned" document describes the observations and findings of the SAV team members, including such issues of concern as the Military Munitions Rule, including DoD's Implementation Policy, and other ancillary federal, DoD, and Army regulations and requirements. The document is available at <https://www.denix.osd.mil/denix/DoD/legislation/range/savs0202.pdf> (user account required).

EXECUTIVE ORDER 13287 –HISTORICAL PROPOERTIES– On 5 March 2003 (68 FR 10635), the President issued Executive order 13287 "Preserve America." The order requires federal agencies to recognize and manage the historical properties in their ownership as assets that can support department and agency missions while contributing to the vitality and economic well-being of the Nation's communities and fostering a broader appreciation for the development of the United States and its underlying values.

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UPCOMING CONFERENCES, SYMPOSIUMS, AND TRAINING ANNOUNCEMENTS

WATER RESOURCE MANAGEMENT WORKSHOP

15-16 April, 2003 – Denver, Colorado

The Federal Energy Management Program is presenting this workshop for facility resource managers responsible for water management and conservation, and for adherence to Executive Order 13123. The course will cover legislation and legal issues concerning water management in the federal sector; impacts of Executive Order 13123; opportunities for water conservation; auditing, leak detection and metering; drought management; and integrated resource planning. For more information or to register, link <http://www.pnl.gov/femp>.

INTRODUCTORY HEALTH RISK COMMUNICATION WORKSHOPS

15-17 April 2003 – Anchorage, Alaska

26-28 August 2003 – Seattle, Washington

The Army Center for Health Promotion and Preventative Medicine is presenting these workshops to instruct participants how to identify, build, maintain, and use strategic partnerships and plans to support an organization's mission. The workshop will provide a basic understanding of the concepts, principles, and process of effective risk communication. Topics include: History and Philosophy of Risk Communication, Steps of the Risk Communication Process, Importance of Identifying, Understanding, and Collaborating with Key Stakeholders, Pitfalls to Effective Risk Communication, and Basic Tools for Engaging the Media. For more information or to register, contact Suaquita Perry (410) 436-3515, or link <http://chppm-www.apgea.army.mil/risk>.

26TH ANNUAL CONFERENCE ON ANALYSIS OF POLLUTANTS IN THE ENVIRONMENT

29-30 April 2003 – Chicago, Illinois

EPA's Office of Water's Office of Science and Technology, and Battelle will co-sponsor the "26th Annual Conference on Analysis of Pollutants in the Environment" to discuss all aspects of environmental measurement. The conference is open to the public. For information on registration, contact Jennifer Maglinao at (703) 461-2137, or e-mail: Jennifer.maglinao@DynCorp.com. For technical questions regarding the conference, contact Marion Kelly by e-mail at kelly.marion@epa.gov.

DSMOA TRAINING WORKSHOPS

30 April-1 May 2003 – Seattle, Washington

6-7 May 2003 – Anchorage, Alaska

DoD has announced its 2003 series of workshops for the DoD and State Memorandum of Agreements (DSMOA) training initiative. These workshops will focus on teaching a standardized approach to the 6-Step Cooperative Agreement process and promoting a productive dialogue between members of the DSMOA program. Both DoD and state DSMOA personnel are encouraged to attend. For more information or to register, link <http://www.enstg.com/conference>.

25TH SYMPOSIUM ON BIOTECHNOLOGY FOR FUELS & CHEMICALS

4-7 May 2003 – Breckenridge, Colorado

The National Renewable Energy Laboratory is sponsoring this symposium, which focuses on improving the economics of fuel and chemical production. The program will cover the latest research breakthroughs and results in biotechnology. A variety of formal technical sessions, poster sessions, and informal discussion groups will provide an exchange of information for attendees. For more information or registration, link http://www.nrel.gov/biotech_symposium.

ENVIRONMENTAL MANAGEMENT SYSTEM (EMS) TRAINING**7-8 May 2003 – San Francisco, California****28-29 May 2003 – Seattle, Washington****16-17 July 2003 - San Diego, California (tentative)**

EPA is sponsoring EMS training workshops for federal agencies. Attendance will be limited to 60 persons. For more information or to register, contact Kaye McNissey at (206) 553-1616, or e-mail:

mcknissey.kaye@epa.gov.

INTERMEDIATE HEALTH RISK COMMUNICATION WORKSHOP**12-15 May 2003 – San Antonio, Texas**

The Army Center for Health Promotion and Preventative Medicine is presenting this workshop to instruct participants how to identify, build, maintain, and utilize strategic partnerships and plans to support an organization's mission. The workshop builds on the "Introductory Health Risk Communication Workshop" listed above (a pre-requisite for this course) and will provide participants with hands-on experience in applying the steps of the risk communication process, on-camera media practice, and seminar-style discussions of "hot" issues impacting military health and readiness. For more information or to register, contact Suaquita Perry (410) 436-3515, or link <http://chppm-www.apgea.army.mil/risk>.

UXO BASIC TRAINING**13-14 May 2003 – Anchorage, Alaska****21 May 2003 – Colorado Springs, Colorado**

This Interstate Technology and Regulatory Council workshop is designed to provide an overview of key environmental issues associated with ordnance and explosives cleanup. Topics include OE/UXO identification, safety concerns, regulatory requirements, conventional and innovative technology, site characterization, and remediation. For more information or to register, contact Stacey Kingsbury at (540) 557-6065, e-mail: stacey_kingsbury@wpi.org, or link: <http://www.ITRCweb.org>.

9TH NATIONAL CLEAN CITIES CONFERENCE**18-21 May 2003 – Palm Springs, California**

The Department of Energy is sponsoring this conference and exposition. Topics will include alternative fuel vehicles, energy security, and clean air. For more information or to register, link http://www.ccities.doe.gov/conference/palm/palm_home.shtml.

REAL WORLD CLEAN AIR SYMPOSIUM**19-22 May 2003 – Seattle, Washington**

This event will be sponsored by the U.S. Army Forces Command, Hill Air Force Base, Fort Irwin, and the West Coast Section, Air and Waste Management Association, with support from the Army Training and Doctrine Command, the Army Environmental Center, and EPA. Topics to be addressed include installation sustainability, Environmental Management Systems, installation air program management, pollution prevention, and homeland security. For more information, contact Michelle Kubal at (937) 254-7950, ext. 1168, e-mail mkubal@anteon.com, or link <http://www.usasymposium.com>.

11th ANNUAL GLOBAL DEMILITARIZATION SYMPOSIUM**19-22 May 2003 – Sparks, Nevada**

The Joint Ordnance Commanders Group and the National Defense Industrial Association are presenting this symposium to support DoD in efforts directed at reducing the stockpile of excess and obsolete munitions. Topics include ongoing disposal, recycling and reuse programs, research and development efforts, transitioning technologies, and the latest policy issues. For more information, contact Paul Cole at (918) 420-8823, or link <http://www.ndia.org/events/brochure/3580/>.

SUPER ENERGY SAVINGS PERFORMANCE CONTRACTING WORKSHOP**20-21 May 2003 – Indianapolis, Indiana****22-23 July 2003 – Washington, DC**

The U.S. Department of Energy, Federal Energy Management Program, is presenting this free workshop for federal employees involved in energy management, engineering, and procurement. Attendees will

learn how to lower capital costs while reducing long-term energy and water bills. For more information or to register, call (703) 243-8343.

FEDERAL ENERGY DECISION SYSTEM WORKSHOPS

21-23 May 2003 – Anchorage, Alaska

The Federal Energy Management Program is presenting two courses on the Federal Energy Decision System (FEDS). The Introduction to FEDS will be on 21 May, followed by a two-day advanced course. Participants will learn the features and capabilities of the FEDS 5.0 software and use it to quickly and objectively identify energy improvements for maximum cost-effective savings in accordance with life-cycle-costing methodology. For more information or to register, link <http://www.pnl.gov/femp>.

NATIONAL SOURCE WATER PROTECTION CONFERENCE

2-4 June 2003 – Washington, DC

EPA's Office of Water is presenting this conference to promote protection planning and coordination, foster partnerships, and identify opportunities that lead to successful implementation of drinking water protection. The conference is intended for Federal, state, local and tribal officials, interstate organizations, watershed managers, and members of environmental, public health, business, and citizens' organizations. For more information, link: <http://www.epa.gov/safewater/protect/swpconf.html>.

2003 ARMY CWA/SDWA WORKSHOP

2-5 June 2003 – Albuquerque, New Mexico

The Army is sponsoring this water issues workshop for Army environmental personnel to increase the understanding of the requirements and challenges of CWA and SDWA management at all levels of Army organization. The workshop will include presentations relevant to installation environmental concerns such as DoD perspective and insight, technical and regulatory updates, lessons learned at installations, and panel discussions. The final agenda is being developed. For more information, contact Kristin MacAulay at (937) 384-4242, e-mail: Kristin.MacAulay@westonsolutions.com, or link: <http://dm.westonproject.net/wiw/>.

AIR AND WASTE MANAGEMENT ANNUAL CONFERENCE & EXHIBITION

22-26 June 2003 – San Diego, California

AWMA will be presenting its 96th annual conference with the theme: "Environment in the Balance...THE JOURNEY AHEAD," and will focus on "Energy, Economy & Global Challenges." AWMA has issued a call for Abstracts and had posted a Technical Program grid on its website. For more information, link <http://www.awma.org>.

8TH ANNUAL JOINT SERVICES P2 & HAZARDOUS WASTE MANAGEMENT CONFERENCE

11-14 August 2003 – San Antonio, Texas

The Naval Facilities Engineering Command and the Air Force Center for Environmental Excellence are co-hosting this conference, which will provide an open forum for exchanging ideas, success stories, case histories, and technologies related to pollution prevention and hazardous waste management. This year's theme is: "Sustaining Readiness Through Environmental Stewardship." A call for abstracts has been issued, with a closing date of 5 March 2003. For more information, link: <http://www.p2-wmconference.com>.

CONFERENCE ON SUSTAINABLE RANGE MANAGEMENT

5-8 January 2004 – New Orleans, Louisiana

Battelle is organizing this conference to provide a venue for exchange of information benefiting all stakeholders involved with range management issues. The technical programs will include urban growth and encroachment issues, management of airspace, noise abatement issues, air quality management, threatened and endangered species habitat protection, military munitions response program, and cleanup of munitions and explosives of concern. Abstracts are requested by 20 June 2003. For more information, link: <http://www.battelle.org/rangecon>.

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STATE REGULATORY DEVELOPMENTS, LEGISLATION, AND NEWS



ARIZONA

AIR INFORMATION:

FINAL RULE – ARIZONA PM10 AND VOC SIP REVISIONS – On 24 March 2003 (68 FR 14151), EPA finalizing a limited approval and limited disapproval of a revision to the Arizona Department of Environmental Quality (DEQ) portion of the Arizona State Implementation Plan (SIP). This action concerns definitions, volatile organic compound (VOC) emissions from dry cleaning plants, VOC emissions from spray painting operations, and particulate matter (PM-10) emissions from mobile sources. Under authority of the Clean Air Act, this action directs Arizona to correct the deficiencies in the submitted rules. EPA also finalized a full approval of a revision to the DEQ portion of the Arizona SIP concerning VOC emissions from petroleum storage vessels and PM-10 emissions from mobile sources. The rule will be effective on 23 April 2003. For further information, contact Al Petersen, EPA at (415) 947-4118.

DEPARTMENTAL DRAFT – 1999 AND 2013 YUMA PM10 EMISSION INVENTORIES – The Arizona DEQ has released the final 1999 and 2013 Emission Estimates for the Yuma PM10 Nonattainment Area Maintenance Plan. The Yuma area was designated nonattainment for particulate matter with an aerodynamic diameter of 10 microns or less (PM10) on 15 November 1990 by operation of law, but has not violated the National Ambient Air Quality Standards since 1991. DEQ is preparing a maintenance plan that requests redesignation to attainment, and describes how the area will maintain that status for the next ten years. DEQ plans to release the plan for public comment in May 2003. For more information, contact Theresa Pella at (602) 771-2375, or link:

<http://www.adeq.state.az.us/envIRON/air/plan/download/yumarpt.pdf>.

WASTE INFORMATION:

FINAL REGULATION – ADOPTION OF FEDERAL HAZARDOUS WASTE RULES – The Arizona DEQ has incorporated by reference federal RCRA rule updates promulgated between 2 July 1999 and 1 July 2000. Among the federal rules included in this package were: (1) adding hazardous waste lamps to universal waste; (2) NESHAPs for hazardous waste combustors; (3) phase IV land disposal restrictions; (4) 180-day accumulation time for sludges from metal finishing; and (5) organobromine production wastes. The rules are effective 15 April 2003. For more information, contact Ren Willis-Frances at (602) 771-4109, or link: <http://www.sosaz.com/aar/2001/39/proposed.pdf>.

Legislative Developments

The 2003 legislative session convened 12 January. The Legislature adjourned 3 April. For current information on the legislative session, link <http://www.azleg.state.az.us>.

ARIZONA HB 1243 – ENVIRONMENTAL USE RESTRICTIONS – Allows the owner of property that is subject to an environmental use restriction to make a written request for revision or recordation of a new declaration of environmental use restriction, or release of the declaration of environmental use restriction. Introduced 3 February 2003. Passed House 12 March. The sponsor is Representative Carolyn Allen (R).

ARIZONA HB 2035 – LAND USE - Requires that express written consent of a property owner before a governing body or zoning body rezones land in such a way that restricts the use or reduces the value of the land. Introduced 9 January 2003. Died 28 February. The sponsor is Representative Marian McClure (R).

ARIZONA HB 2265 – WATER QUALITY - Determines that ephemeral waters shall not be listed as impaired until the Department of Environmental Quality revises both of the following: (1) the standards used for measuring the quality of navigable waters to account for the unique conditions created by episodic stormwater discharges into ephemeral waters and (2) the rules adopted to establish a separate methodology for sampling and analyzing ephemeral waters and to establish when and how those waters are assessed for impairment. Introduced 20 January 2003. Died 28 February. The sponsor is Representative Joe Hart (R).

ARIZONA HB 2381 – DRINKING WATER – Requires the state to comply with EPA requirements for state primary enforcement responsibility of the Safe Drinking Water Act. Introduced 31 January 2003. Died 28 February. The sponsor is Representative Joe Hart (R).

ARIZONA HB 2418 – PESTICIDES - Requires the State to post notification of pesticide applications in public areas at least 24 hours before the application begins and leave the notice posted for 24 hours after application. Requires that the pesticides be used in a manner that produces the lowest level of toxicity in the environment that is reasonably practicable. Introduced 6 February 2003. Died 28 February. The sponsor is Representative Ernest Bustamante (D).

ARIZONA HB 2423 – UNDERGROUND STORAGE TANKS - Amends the existing underground storage tank statute by adding provisions for volunteer responsibility for tank facilities and requiring that corrective action for spills or leaks be deemed technically reasonable. Introduced 12 February 2003. Died 28 February. The sponsor is Representative Joe Hart (R).

ARIZONA HB 2478 – ENVIRONMENTAL ADMINISTRATIVE PROCEDURES - Requires the Department of Water Resources to formulate plans and develop programs for the practical and economical development, management, conservation and use of surface water, groundwater and the watersheds in this state, including the management of water quantity and quality. Introduced 11 February 2003. Passed House 4 March. The sponsor is Representative Tom O'Halleran (R).

ARIZONA HB 2507 – AIR QUALITY - Reclassifies criminal penalties for causing wildland fires. States that it is unlawful for any person, without lawful authority, to knowingly or recklessly set or cause to set on fire any wildland other than the person's own, or to permit a fire that was set or caused to be set by the person to pass from the person's own grounds to the grounds of another person. Introduced 11 February 2003. Passed House 10 March. The sponsor is Representative Bill Konopnicki (R).

ARIZONA SB 1063 – AIR QUALITY - Increases criminal penalties for causing wildland fires. Introduced 20 January 2003. Passed Senate February 13. Referred to House Transportation; and Rules Committee 17 March. The sponsor is Senator Jack Brown (D).

ARIZONA SB 1155 – PESTICIDES - Requires that pesticide monitoring programs replicate conditions under which the pesticide is normally used, including the typical season of use. Introduced 31 January 2003. Died 28 February. The sponsor is Senator Gus Arzberger (D).

ARIZONA SB 1354 – UNDERGROUND STORAGE TANKS - Imposes an excise tax on the operation of underground storage tanks that is measured by the quantity of regulated substances placed in a tank in any calendar year. Levies the tax at the rate of \$0.01 per gallon of the regulated substance. Introduced 6 February 2003. Died 28 February. The sponsor is Senator Richard Miranda (D).

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CALIFORNIA

Regulatory Developments & Other State Information

FINAL REGULATION – INORGANIC MISTS CONTAINING SULFURIC ACID – The California Office of Environmental Health Hazard Assessment listed strong inorganic acid mists containing sulfuric acid as a chemical known to cause cancer under the Office's authoritative bodies mechanism. The listing was effective 14 March 2003. For more information, contact Cynthia Oshita at (916) 445-6900, or link: http://www.oehha.ca.gov/prop65/CRNR_notices/list_changes/31403strongacids.html.

NOTICE OF AVAILABILITY – DRAFT WEST MOJAVE DESERT CONSERVATION AREA PLAN AND ENVIRONMENTAL ASSESSMENT OFF-ROAD VEHICLE DESIGNATIONS – On 21 March 2003 (68 FR 13949), the Bureau of Land Management (BLM) requested public comments on the "Draft Off-Road Vehicle Designation Plan Amendment for the West Mojave Desert Planning Area of the California Desert District." When approved by BLM, these designations will amend the existing designations established under the California Desert Conservation Area plan in the West Mojave Area, which includes 3.3 million acres of public land in Inyo, Kern, Los Angeles and San Bernadino Counties. Comments will be accepted until 21 June 2003. For further information, contact William Haigh, BLM at (760) 252-6080.

AIR INFORMATION:

FINAL RULE - FINDING OF FAILURE TO SUBMIT SAN JOAQUIN PM10 SIP REVISION – On 21 March 2003 (68 FR 13840), EPA determined that California failed to make a Clean Air Act State Implementation Plan (SIP) submittal for particulate matter of ten microns or less (PM-10) required for the San Joaquin Valley PM-10 nonattainment area. For serious areas failing to attain the PM-10 National Ambient Air Quality Standards (NAAQS) by the required attainment date, states are required to submit plan revisions which provide for attainment of the PM-10 NAAQS, and for an annual reduction of PM-10 or PM-10 precursor emissions within the area of not less than 5 percent of the amount of such emissions. The San Joaquin Valley is a serious PM-10 nonattainment area that failed to meet its attainment date of 31 December. Thus, the 5% PM-10 attainment plan was due on December 31, 2002 but has not yet been submitted. This action triggers the 18-month clock for mandatory application of sanctions and the 2-year clock for a federal implementation plan under the Act. The action was effective 7 March 2003. For further information, contact Doris Lo, EPA at (415) 972-3959.

FINAL RULE – REVISIONS TO IMPERIAL COUNTY PM10 SIP – On 24 March 2003 (68 FR 14161), EPA finalized a limited approval and limited disapproval of a revision to the Imperial County Air Pollution Control District portion of the California SIP. This action concerns particulate matter (PM-10) emissions from emission units, electrical generation units, and fuel burning equipment. Under authority of the Clean Air Act, this action simultaneously approves a local rule that regulates these emission sources and directs California to correct rule deficiencies. EPA also finalized a full approval of a revision to the District's portion of the California SIP concerning oxides of nitrogen emissions from fuel burning equipment. The rule will be effective 23 April 2003. For further information, contact Al Petersen, EPA at (415) 947-4118.

DIRECT FINAL RULE – APPROVAL OF VOC SIP REVISIONS – On 24 March 2003 (68 FR 14156), EPA took direct final action to approve revisions to the Bay Area Air Quality Management District, Sacramento Metropolitan Air Quality Management District, and San Joaquin Valley Unified Air Pollution Control District portions of the California SIP. The Bay Area revision concerns the emission of volatile organic compounds (VOCs) from the transfer of gasoline to stationary storage tanks and motor vehicle fuel tanks. The Sacramento and San Joaquin revisions concern the emission of VOCs from the transfer of gasoline to motor vehicle fuel tanks. EPA approved local rules that regulate these emission sources under the Clean Air Act. This rule will be effective on 23 May 2003 without further notice, unless EPA receives adverse comments by 23 April. If EPA receives such comments, it will publish a timely

withdrawal in the Federal Register to notify the public that this rule will not take effect. For further information, contact Al Petersen, EPA at (415) 947-4118.

PROPOSED RULE – APPROVAL OF IMPERIAL COUNTY AND MONTEREY BAY PM10 SIP

REVISIONS – On 24 March 2003 (68 FR 14174), EPA proposed to approve revisions to the Imperial County Air Pollution Control District and the Monterey Bay Unified Air Pollution Control District portions of the California SIP. The Imperial County revision concerns the emission of particulate matter (PM-10) from agricultural burning. The Monterey Bay revision concerns the emission of PM-10 from incinerator burning. EPA proposed to approve local rules that regulate these emission sources. Comments must be submitted by 23 April 2003. For further information, contact Al Petersen, EPA at (415) 947-4118.

PROPOSED RULE – REDESIGNATION OF SANTA BARBARA TO ATTAINMENT FOR OZONE - On 25 March 2003 (68 FR 14382), EPA proposed to redesignate the Santa Barbara County area to attainment for the 1-hour ozone National Ambient Air Quality Standard. EPA also proposed to approve a 1-hour ozone maintenance plan and motor vehicle emissions budgets as revisions to the Santa Barbara portion of the California SIP. Comments must be submitted by 24 April 2003. For further information, contact Dave Jesson, EPA at (415) 972-3957.

FINAL REGULATION – SOUTH COAST NEW SOURCE REVIEW OF TOXIC AIR CONTAMINANTS –

The South Coast Air Quality Management District added two substances to its list of toxic air contaminants. The substances are: (1) phosphine with a chronic reference exposure level of 0.8 micrograms per cubic meter and a screening value of 26.5 pounds per year; and (2) triethylamine with a chronic reference exposure level of 200 micrograms per cubic meter and a screening value of 6,610 pounds per year. The additions were effective 7 February 2003. For more information, contact Gary Quinn at (909) 396-3121, or link: <http://www.aqmd.gov/rules/html/r1401.html>.

DRAFT REGULATION – PARTICULATE MATTER CONTROL MEASURES FOR HEAVY-DUTY

DIESEL ENGINES - The California Air Resources Board is preparing particulate matter (PM) control measures for heavy-duty diesel engines in publicly-owned and -contracted fleets. The rules would require diesel PM be reduced in on-road heavy-duty vehicles with a manufacturer's gross vehicle weight rating of greater than 14,000 pounds, owned and operated on public roads by a public agency or operated under contract to a public agency. The Board conducted a workshop on 3 April prior to proposing the measures for public comment. For more information, contact Nancy Steele at (626) 350-6598, or link: <http://www.arb.ca.gov/msprog/mailouts/msc0304/msc0304att1.pdf>.

WASTE INFORMATION:

FINAL REGULATION – CLASSIFICATION OF MERCURY-CONTAINING WASTES – The California Department of Toxic Substances Control adopted regulations for the classification and management of mercury-containing wastes. The regulations: (1) list mercury-containing motor vehicle switches, non-automotive mercury switches, lamps that contain mercury, and mercury-added novelties as hazardous waste; (2) specify that mercury-containing wastes not appearing on this list will continue to be identified as hazardous or nonhazardous using the existing federal lists and the hazardous waste characteristics in the Department's regulations; (3) require that automobiles and white goods have their mercury switches removed before crushing; (4) require that automobiles and white goods crushed without having their mercury switches removed be treated as hazardous waste; (5) define mercury-added novelties to include any item intended for use as a practical joke, figurine, adornment, toy, game, card, ornament, yard statue or figure, candle, jewelry, holiday decoration, and item of apparel, including footwear; and (6) classify the following items as universal waste: mercury switches, mercury thermometers, dental amalgam wastes, pressure or vacuum gauges, mercury-added novelties, mercury counterweights and dampers, mercury dilators, mercury-containing rubber flooring, and mercury gas flow regulators. The regulations were effective 15 March 2003. For more information, contact Joan Ferber at (916) 322-6409, or link: http://www.dtsc.ca.gov/LawsRegulationsPolicies/Mercury/Oeara_regs_mercfinaltext.pdf.

FINAL REGULATION – CLOSURE PLANS – The California Integrated Waste Management Board (IWMB) has adopted amendments regarding closure and postclosure maintenance plans. The

amendments: (1) allow Local Enforcement Agencies to issue permits for closed facilities; (2) delay closure while allowing for some flexibility for the needs of rural jurisdictions; (3) require approval of closure plans for solid waste facility permit concurrence; and (4) reestablish IWMB as the coordinating agency for closure plan review. The amendments were effective 25 February 2003. For more information, contact Michael Wochnick at (916) 341-6318, or link: <http://www.ciwmb.ca.gov/rulemaking/Closure/>.

FINAL REGULATION – INVENTORY OF SOLID WASTE FACILITIES –The California IWMB adopted amendments for the inventory and regulation of solid waste facilities that violate state minimum standards. The amendments include: (1) a definition of "compliance schedule;" (2) a method for notifying facilities that they have corrected the violation within the 90-day period; (3) a method for notification and removal of facilities from the inventory list; (4) options for updating the list; and (5) an explanation of the roles of the enforcement agency and IWMB in the entire process. The amendments were effective 4 April 2003. For more information, contact Suzanne Hambleton at (916) 341-6337, or link: <http://www.ciwmb.ca.gov/Rulemaking/Inventory/>.

PROPOSED REGULATION – UST TRAINING REQUIREMENTS - The California Water Resources Board proposed amendments to underground tank requirements to include operator training. The amendments will: (1) require certification for: (a) persons who are responsible for the operation and compliance of an underground storage tank facility, (b) persons who conduct UST facility compliance inspections, (c) persons who install underground storage tank systems or components, and (d) persons who install, calibrate, test, and maintain monitoring equipment; (2) require owners of UST systems to sign a written statement to be submitted to the local agency stating that their facility is in compliance with all regulatory and statutory requirements, and identifying the facility's designated UST operator; (3) require annual on-the-job training for facility employees provided by the designated UST operator; and (4) require owners or operators of underground storage tank systems to submit product compatibility and permeability information. Comments are due by 28 April 2003. For more information, contact Scott Bacon at (916) 341-5873, or link: http://www.swrcb.ca.gov/cwphome/ust/legal/new_regs/index.html.

WATER INFORMATION:

FINAL REGULATION – PHYSICAL SECURITY AT MARINE TERMINALS – The California State Lands Commission adopted regulations for physical security at marine terminals. The regulations include: (1) minimum requirements for terminal security; (2) a requirement for terminals to designate a marine terminal security officer; (3) responsibilities of the marine terminal security officer; (4) minimum contents for a marine terminal physical security plan; (5) identification requirements for employees, visitors, and contractors; (6) access control requirements; (7) requirements for key control systems and locking devices; (8) requirements for perimeter fencing and barriers; (9) minimum lighting requirements; (10) use of video or electronic surveillance systems; (11) security training program for employees; and (12) procedures for approving marine terminal physical security plans. The regulations were effective 24 February. For more information, contact Livin Prabhu at (562) 499-6312, or link: http://www.slc.ca.gov/Division_Pages/MFD/Art5-1permsecregsfinaldraft.PDF

Legislative Developments

The 2003 legislative session convened 7 January. The Legislature will adjourn 3 September. For current information on the legislative session, link <http://www.leginfo.ca.gov/index.html>.

CALIFORNIA AB 107 – WATER - Appropriates \$23,000,000 to the East Bay Municipal Utility District to protect state, regional, and local drinking water systems from terrorist attacks or deliberate acts of destruction or degradation to the. Authorizes \$15,000,000 for water system security capital improvements and \$8,000,000 for the planning, design, and construction of an interagency water supply emergency project. Introduced 10 January 2003. Referred to Assembly Water, Parks and Wildlife Committee 21 January. The sponsor is Assemblywoman Ellen Corbett (D).

CALIFORNIA AB 148 – GROUNDWATER - Authorizes a water district to construct necessary works to achieve groundwater replenishment. Introduced 21 January 2003. The sponsor is Assemblyman Mervyn Dymally (D).

CALIFORNIA AB 240 – SOLID WASTE - Prohibits the California Integrated Waste Management Board from adopting any regulation that exempts a solid waste facility from any of the requirements for solid waste facilities, including any regulations based on the number of tons of solid waste per day accepted by the facility. Introduced 30 January 2003. The sponsor is Assemblywoman Sarah Reyes (D).

CALIFORNIA AB 530 – NOISE - Requires the Department of Transportation to adopt noise standards for aircraft and aircraft engines based upon the level of noise acceptable to a reasonable person residing in the vicinity of the airport. Declares the intent of the Legislature in subsequent legislation to require each airport served by a scheduled airline to mitigate airport noise through a collaborative program between the airport and airlines. Introduced 18 February 2003. The sponsor is Assemblyman Gene Mullin (D).

CALIFORNIA AB 623 – TOXICS - Prohibits a person from discharging or releasing, in the course of doing business, a chemical known to the state to cause cancer or reproductive toxicity into water or onto land where the chemical passes or is likely to pass into any source of drinking water, except as specified. Prohibits a person from exposing any individual to a chemical known to the state to cause cancer or reproductive toxicity without first providing clear and reasonable warning to the individual, except as specified. Introduced 20 February 2003. The sponsor is Assemblywoman Sally Lieber (D).

CALIFORNIA AB 729 – AIR QUALITY - Authorizes the Bay District to adopt rules and regulations to reduce and mitigate emissions of air contaminants from indirect sources of air pollution, but prohibits those rules or regulations from infringing upon any local government's authority to plan or control land use. Requires those revised regulations to require utilization of the best available retrofit control technology and to endeavor to protect the health of the sensitive populations in nearby communities. Introduced 18 February 2003. The sponsor is Assemblywoman Sally Lieber (D).

CALIFORNIA AB 826 – PERCHLORATE - Establishes a program to eliminate or significantly reduce perchlorate in the state's drinking water, and to ensure that the Department of Health Services sets regulatory drinking water standards for perchlorate that are as close to the corresponding public health goal as is economically and technically feasible. Introduced 20 February 2003. The sponsor is Assemblywoman Hannah-Beth Jackson (D).

CALIFORNIA AB 926 – RADIOACTIVE WASTE - Authorizes the State Director of Health Services to lease specified property to construct, operate, and close a low-level radioactive waste disposal facility in the County of San Bernardino. Repeals prohibitions and restrictions regarding the disposal of low-level radioactive waste and the licensing of a disposal facility. Repeals the requirements regarding waste reduction practices. Introduced 20 February 2003. Referred to Assembly Environmental Safety and Toxic Materials Committee 3 March. The sponsor is Assemblyman Keith Stuart Richman (R).

CALIFORNIA AB 1063 – AIR QUALITY - Authorizes the South Coast District to adopt regulations requiring any motor vehicle, nonroad engine, and nonroad vehicle that operates substantially in the South Coast District, to install retrofit controls to reduce emissions of air contaminants to the maximum extent feasible, as determined by the South Coast District. Introduced 20 February 2003. Referred to Assembly Transportation Committee 13 March. The sponsor is Assemblyman Marco Firebaugh (D).

CALIFORNIA AB 1107 – GROUNDWATER - Requires the interagency task force developed by the State Water Resources Control Board to develop uniform groundwater data standards. Requires the state board, the Department of Water Resources, the State Department of Health Services, the Department of Pesticide Regulation, the Department of Toxic Substances Control, and the Department of Food and Agriculture to adopt any standards that are developed. Introduced 21 February 2003. The sponsor is Assemblywoman Carol Liu (D).

CALIFORNIA AB 1159 – GROUNDWATER - Requires the State Water Resources Control Board to:(1) determine what constitutes core groundwater data, (2) define structures and standards for core groundwater data, (3) identify groundwater data collection standards, (4) evaluate existing structures and standards for groundwater data, and user and custodian requirements, and (5) propose standards for the storage and transfer of core groundwater data for comment by the public and the scientific community. Requires the state board to prepare and submit to the Governor and the Legislature a report that includes recommendations for groundwater database standards and for the collection and transfer of groundwater data. Introduced 21 February 2003. The sponsor is Assemblywoman Carol Liu (D).

CALIFORNIA AB 1174 – ELECTRONIC WASTE - Defines "electronic waste" for state programs to recycle plastic trash bags, plastic packaging containers, waste tires, newsprint, and other specified materials. Introduced 21 February 2003. Referred to House Natural Resources Committee 17 March. The sponsor is Assemblyman Tim Leslie (R).

CALIFORNIA AB 1247 – HAZARDOUS WASTE - Requires the Department of Toxic Substances Control to allow the public a meaningful opportunity to comment upon a proposed hazardous waste facility closure and postclosure plan before the Department initially approves the plan and before the Department makes any significant changes to an approved plan. Authorizes the Department to approve the hazardous waste facility closure and postclosure plans by issuing a postclosure permit, issuing an enforceable order, or entering into an enforceable agreement. Introduced 21 February 2003. Referred to Assembly Environmental Safety and Toxic Materials and Natural Resources Committees 13 March. The sponsor is Assemblyman Greg Aghazarian (R).

CALIFORNIA AB 1248 – WASTE DISPOSAL - Requires the State Water Resources Control Board and the California Regional Water Quality Control Boards, as appropriate, to provide public notice and an opportunity to comment prior to issuance of waste discharge permits, dredged or fill material permits, and actions to enforce those requirements, including the issuance of time schedule orders and cleanup or abatement orders. Introduced 21 February 2003. Referred to Assembly Environmental Safety and Toxic Materials and Natural Resources Committees 13 March. The sponsor is Assemblyman Greg Aghazarian (R).

CALIFORNIA AB 1367 – HAZARDOUS WASTE - Authorizes the Department of Toxic Substances Control to adopt alternative hazardous waste management regulations for hazardous waste management activities that meet specified criteria. Requires the Department to make specified findings and analysis, and to make that analysis available to the public, before adopting those regulations. Introduced 21 February 2003. Referred to Assembly Environmental Safety and Toxic Materials and Natural Resources Committees 6 March. The sponsor is Assemblyman John Laird (D).

CALIFORNIA AB 1468 – AIR QUALITY - Requires each negative air machine in the state to be leak tested on the site of any asbestos abatement project that requires the removal of more than 100 square feet of asbestos prior to the commencement of the project. Introduced 21 February 2003. The sponsor is Assemblywoman Fran Pavley (D).

CALIFORNIA AB 1541 – WATER QUALITY - Classifies a failure to file certain technical or monitoring reports required by a California Regional Water Quality Control Board or the State Water Resources Control Board relating to the discharge of waste or dredged or fill material as a "serious violation" for the purposes of these provisions. Introduced 21 February 2003. The sponsor is Assemblywoman Cindy Montanez (D).

CALIFORNIA AB 1691 – ASBESTOS - Specifies that existing law's prohibitions against the disposal of hazardous waste at unauthorized facilities do not apply to disposal of waste containing asbestos. Introduced 21 February 2003. Referred to Assembly Environmental Safety and Toxic Materials and Natural Resources Committees 10 March. The sponsor is Assemblywoman Cindy Montanez (D).

CALIFORNIA AB 1699 – MERCURY - Prohibits any person from disposing, or attempting to dispose of, a fluorescent lamp at a solid waste facility. Authorizes fluorescent lamp disposal or recycling at a hazardous waste facility that has been issued a hazardous waste facilities permit by the Department of Toxic Substances Control. Authorizes fluorescent lamp recycling in the same manner as that required for universal waste. Introduced 25 February 2003. The sponsor is the Committee on Environmental Safety and Toxic Materials.

CALIFORNIA AB 1702 – UNDERGROUND STORAGE TANKS - Revises the definition of unauthorized release to delete the exclusion for releases authorized by the State Water Resources Control Board or a regional board. Deletes the authorization to impose certain penalties and provides that both the owner and the operator of an underground tank are responsible for compliance with the requirements for an underground storage tank. Introduced 25 February 2003. The sponsor is the Committee on Environmental Safety and Toxic Materials.

CALIFORNIA AB 1724 – PESTICIDES - Authorizes the Director of Pesticide Regulation to levy a civil penalty against any person who possesses or uses any pesticide that is not registered pursuant to specified provisions, or for which registration has been suspended. Introduced 3 March 2003. The sponsor is the Assembly Agriculture Committee.

CALIFORNIA ABX 1.10 – AIR QUALITY - Authorizes the Air Resources Board to impose additional permit fees directly on nonvehicular sources within a district's jurisdiction. Authorizes the board to require a district to collect those fees, to establish a system for direct collection of those fees by the state board, and to contract with any other state agency for the collection of those fees. Lowers the threshold emission level for the imposition of the permit fees on nonvehicular sources by requiring those fees to be collected from nonvehicular sources that are authorized by the district to emit 250 tons or more per year of any nonattainment pollutant or its precursor precursors. Introduced 23 January 2003. Passed Assembly 28 January. Passed Senate 3 February. The sponsor is Assemblywoman Jenny Oropeza (D).

CALIFORNIA SB 13 – RADIOACTIVE WASTE - Prohibits the disposal of radioactive waste, as defined, at a hazardous waste disposal facility that is subject to the state hazardous waste control laws. Exempts the disposal of solid or hazardous waste that contains technically enhanced naturally occurring radioactive material (TENORM) at a solid or hazardous waste disposal facility from the licensing requirements imposed under the Radiation Control Law. Prohibits any generator or owner of radioactive waste from disposing of radioactive waste, or any materials containing byproduct, source, or special nuclear material, or transmitting to any person or entity for disposal, that material or waste, except at a specified licensed facility. Permits any TENORM waste that is not a hazardous waste to be disposed of at a class II waste management unit that is dedicated primarily to the management of industrial or designated wastes. Introduced 2 December 2002. Referred to Senate Environmental Quality Committee 8 January 2003. The sponsor is Senator Gloria Romero (D).

CALIFORNIA SB 18 – LAND USE - Clarifies that changes to existing law that authorizes the Native American Heritage Commission may bring an action to prevent severe and irreparable damage to, or assure appropriate access for Native Americans to, a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property. Introduced and referred to Senate Rules Committee 3 December 2002. The sponsor is Senator John Burton (D).

CALIFORNIA SB 20 – ELECTRONIC WASTE - States legislative intent to ensure that funds are available to assist cities, counties, and recyclers of electronic wastes in developing programs to safely collect and recycle the hazardous materials contained in electronic wastes, and to promote the refurbishment and reuse of electronic equipment for use by schools and nonprofit agencies. Introduced and referred to Senate Rules Committee 2 December 2002. The sponsor is Senator Byron Sher (D).

CALIFORNIA SB 56 – FLOOD CONTROL - Adopts and authorizes the upstream and downstream portions of the Murrieta Creek Flood Control Project in Riverside County. Requires the Riverside County Flood Control and Water Conservation District to carry out the project and to give assurances of local

cooperation to the Secretary of the Army, thereby imposing a state-mandated local program. Introduced 14 January 2003. The sponsor is Senator Dennis Hollingsworth (R).

CALIFORNIA SB 202 – HAZARDOUS WASTE - Repeals the exemption for wood waste and prohibits any person, on and after 1 January 2005, from using chromated copper arsenate (CCA), pentachlorophenol (penta) or creosote to treat wood products or manufacture a wood product treated with those substances. Provides, on and after 1 January 2005, that wood waste containing any measurable level of CCA, penta, or creosote is a hazardous waste for purposes of the hazardous waste control laws. Introduced 13 February 2003. Referred to Senate Environmental Quality Committee 25 February. The sponsor is Senator Gloria Romero (D).

CALIFORNIA SB 207 – AIR QUALITY - Provides that any defect or malfunction of a certified gasoline vapor emission control system, device, or component detected by a manual or electronic monitoring device or procedure does not constitute a violation of any air pollution control law, regulation, rule, procedure, or permit condition, unless the defect or malfunction is not corrected within 21 days of detection. Introduced 13 February 2003. The sponsor is Senator Dick Ackerman (R).

CALIFORNIA SB 216 – ENDANGERED SPECIES – extends the repeal date (to 1 January 2009) for existing law that requires the Department of Fish and Game to develop and implement a recovery strategy pilot program for the Greater Sandhill Crane and authorizes the Fish and Game Commission, based on recommendations from the Department, to identify four additional candidate, threatened, or endangered species for which the Department is required to develop and implement a recovery strategy. Introduced 13 February 2003. The sponsor is Senator Byron Sher (D).

CALIFORNIA SB 311 – DRINKING WATER - Permits any person to request an external scientific peer review prior to a risk assessment - relative to an Office of Environmental Health Hazard Assessment of the risks to public health posed by each contaminant for which the Department of Health Services proposes a primary drinking water standard - only if the Office has not submitted the assessment to an external scientific peer review in a manner substantially equivalent to an external scientific peer review process specified in existing law. Introduced 19 February 2003. Referred to Senate Environmental Quality Committee 6 March. The sponsor is Senator Byron D. Sher (D).

CALIFORNIA SB 543 – GROUNDWATER - Authorizes the Water Resources Control Board to file action to prevent the impairment of rights to groundwater. Introduced 19 February 2003. Referred to Assembly Agriculture and Water Resources Committee 6 March. The sponsor is Senator Mike Machado (D).

CALIFORNIA SB 656 – AIR QUALITY - Requires the State Air Resources Board to identify all readily available, feasible and cost-effective control measures that could be employed by the Board and the districts to reduce emissions of PM 10 and PM 2.5 from new and existing stationary and area sources. Requires the Board, together with the districts, to identify all readily available, feasible and cost-effective measures that could be employed by the Board and local air districts to reduce PM 10 and PM 2.5 from diesel-powered engines in stationary and mobile applications. Introduced 21 February 2003. Referred to Senate Environmental Quality Committee 6 March. The sponsor is Senator Byron D. Sher (D).

CALIFORNIA AB 657 – ENDANGERED SPECIES - Requires the Fish and Game Commission to establish a list of species currently protected by law. Requires the Department of Fish and Game and the commission to revise the list according to a procedure based on determinations of whether the taking of any member of the species on the list would jeopardize the continued existence of that species. Introduced 21 February 2003. Referred to Senate Natural Resources and Wildlife Committee 6 March. The sponsor is Senator Dean Florez (D).

CALIFORNIA SB 747 – UNDERGROUND STORAGE TANKS - Repeals existing law that imposes various monitoring, replacement, and upgrading requirements for underground storage tanks installed on or before January 1, 1984 and used for the storage of hazardous substances. Introduced 21 February 2003. Referred to Senate Environmental Quality Committee 13 March. The sponsor is Senator Gloria Romero (D).

CALIFORNIA SB 750 – DRINKING WATER - Enacts the Safe Drinking Water, Water Quality, Flood Protection, and Water Supply Reliability Act of 2004. Effective immediately. Introduced 21 February 2003. The sponsor is Senator Mike Machado (D).

CALIFORNIA SB 807 – AIR QUALITY - Amends existing law which: (1) grants air pollution control districts and air quality management districts the primary responsibility for the control of air pollution from all sources other than vehicular sources, and (2) requires districts to adopt and enforce rules and regulations to achieve and maintain the state and federal ambient air quality standards in all areas affected by emission sources under their jurisdiction. Introduced 21 February 2003. The sponsor is Senator Jeffrey Denham (R).

CALIFORNIA SB 922 - DRINKING WATER - Requires the State Water Resources Control Board or a regional board, in any cleanup or abatement order issued to a discharger that has contaminated a drinking water supply or potential drinking water supply, as defined, to require the discharger to calculate the amount of water contaminated, calculate the cost of providing replacement water, calculate water replacement quantities to be provided to each affected public water supplier, to provide, or pay for, uninterrupted replacement water service to each affected public water supplier, and to report to that supplier the methods by which the discharger is complying with the cleanup or abatement order. Introduced 21 February 2003. The sponsor is Senator Nell Soto (D).

CALIFORNIA SB 926 – ENVIRONMENTAL ADMINISTRATIVE PROCEDURES - Changes the name of the Office of Military Base Retention to the Office of Military Base Support. Authorizes the office, rather than the council, to seek private funds for the operations of the office and the council. Introduced 21 February 2003. Referred to Senate Government Organization Committee 13 March. The sponsor is Senator William Knight (R).

CALIFORNIA SB 942 – HAZARDOUS WASTE - Requires the database, which tracks all hazardous waste shipped in and out of the state for handling, treatment, storage, disposal to include whether a receiving facility located outside of the state, operates in accordance with California's hazardous waste standards. Introduced 21 February 2003. Referred to Senate Environmental Quality Committee 13 March. The sponsor is Senator Byron Sher (D).

CALIFORNIA SB 1004 – WATER QUALITY - Requires a person who causes or permits perchlorate discharges to any waters of the state to immediately notify the State Water Resources Control Board. Makes a person who fails to provide that notice guilty of a misdemeanor that is punishable by a fine of not less than \$500, or more than \$5,000, for each day of failure to notify. Introduced 21 February 2003. Referred to Senate Environmental Quality Committee 13 March. The sponsor is Senator Nell Soto (D).

CALIFORNIA SBX 1.4 – WATER FEES - Requires each person for whom waste discharge requirements have been prescribed, or for whom a waiver has been granted, to submit an annual fee according to a fee schedule established by the state board. Requires the total amount of annual fees to equal the amount necessary to recover costs incurred in connection with the issuance, administration, review, monitoring, and enforcement of waste discharge requirements and waivers of waste discharge requirements. Introduced 27 January 2003. Passed Senate 30 January. The sponsor is the Committee on Budget and Fiscal Review.

CALIFORNIA SBX 1.6 – AIR QUALITY - Authorizes the Air Resources Board to impose additional air pollution permit fees directly on nonvehicular sources within a district's jurisdiction. Authorizes the Board to require a district to collect those fees, to establish a system for direct collection of those fees by the state board, and to contract with any other state agency for the collection of those fees. Lowers the threshold emission level for the imposition of the permit fees on nonvehicular sources by requiring those fees to be collected from nonvehicular sources that are authorized by the district to emit 250 tons or more per year of any nonattainment pollutant or its precursor. Introduced 27 January 2003. Passed Senate 30 January. The sponsor is the Committee on Budget and Fiscal Review.

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HAWAII

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Regulatory Developments & Other State Information

RISK COMMUNICATION/PUBLIC OUTREACH TRAINING – 21-22 MAY 2003 – SCHOFIELD

BARRACKS, HI – This two-day workshop is intended for individuals who address the public on topics such as Environmental Impact Statements. It will provide skills to communicate effectively with a low trust, high concern audience. The training is open to all services and environmental agencies free of charge. For additional information, contact Mike Flannery at (303) 844-0959, or e-mail: mflanner@rma.army.mil.

Legislative Developments

The 2003 legislative session convened 15 January. The Legislature will adjourn 3 May. For current information on the legislative session, link <http://www.capitol.hawaii.gov/sessioncurrent/bills>.

HAWAII HB 11 – REFORMULATED FUELS - Prohibits the sale, distribution, blending or manufacturing of methyl tertiary butyl ether (MTBE) as a motor fuel additive, except in "trace amounts" (not greater than 0.5% by volume of the motor fuel). Introduced 16 January 2003. Died upon failure to meet crossover deadline 6 March. The sponsor is Representative Cynthia Thielen (R).

HAWAII HB 454 – LAND USE - Establishes a land evaluation and site assessment rating system. Requires the land use commission to establish the boundaries of the important agricultural lands district, the conservation district, and the other lands district. Abolishes urban, rural, and agricultural districts. Effective immediately. Introduced 21 January 2003. Died upon failure to meet crossover deadline 6 March. The sponsor is Representative Bob Nakasone (D).

HAWAII HB 470 – ENVIRONMENTAL JUSTICE - Requires the disclosure and specification of the proposed mitigation of environmental justice impacts in environmental impact statements. Effective immediately. Introduced 21 January 2003. Died upon failure to meet crossover deadline 6 March. The sponsor is Representative Hermina Morita (D).

HAWAII HB 471 – ENVIRONMENTAL IMPACT STATEMENTS - Authorizes the Office of Environmental Quality Control to review and override an agency's determination of whether its proposed action requires an environmental impact statement. Requires an environmental assessment for proposed wastewater facilities, waste-to-energy facilities, landfills, oil refineries, and power generating facilities. Introduced 21 January

2003. Died upon failure to meet crossover deadline 6 March. The sponsor is Representative Hermina Morita (D).

HAWAII HB 472 – WATER QUALITY - Increases, from \$25,000 to \$40,000, the fine for each violation of the water pollution law, or any rule, permit, or variance issued under that law. Enacts provisions relating to muddy water, underground injection, and nutrients. Allows citizen suits. Introduced 21 January 2003. Referred to House Water, Land Use and Hawaiian Affairs; Energy and Environmental Protection; Judiciary; and Finance Committees 27 January. Died upon failure to meet Committee deadline 28 February. The sponsor is Representative Hermina Morita (D).

HAWAII HB 476 – ENDANGERED SPECIES - Allows state and county agencies to enter into habitat conservation plans and safe harbor agreements. Requires legislative approval of certain plans and agreements. Allows enforcement of habitat conservation plans and safe harbor agreements through citizen lawsuits. Introduced 23 January 2003. Died upon failure to meet crossover deadline 6 March. The sponsor is Representative Hermina Morita (D).

HAWAII HB 737 – WATER - Increases, from \$25,000 to \$40,000, the fine for each violation of the water pollution law, or any rule, permit, or variance issued under that law. Enacts provisions relating to muddy water, underground injection, and nutrients. Allows citizen suits. Introduced 22 January 2003. Died upon failure to meet crossover deadline 6 March. The sponsor is Representative Tommy Waters (D).

HAWAII HB 744 – FUELS - Prohibits methyl tertiary-butyl ether (MTBE) as a gasoline additive in Hawaii after 31 December 2003. Imposes penalties for violations. Introduced 22 January 2003. Passed House 27 February. The sponsor is Representative Tommy Waters (D).

HAWAII HB 774 – ENVIRONMENTAL PROCEDURES - Abolishes the land use commission and transfers its functions to the counties. Makes various amendments to coastal zone management law. Effective 1 July 2003. Introduced 22 January 2003. Died upon failure to meet crossover deadline 6 March. The sponsor is Representative Calvin Say (D).

HAWAII HB 791 – NOISE POLLUTION - Authorizes county regulation of firing ranges. Authorizes chief of police to issue permits. Introduced 22 January 2003. Died upon failure to meet crossover deadline 6 March. The sponsor is Representative Calvin Say (D).

HAWAII HB 938 – LAND USE - Grants authority to the Governor to determine whether training facilities for U.S. armed forces can be expeditiously constructed to protect the security of the State without being subject to state laws. Introduced 22 January 2003. Died upon failure to meet crossover deadline 6 March. The sponsor is Representative Calvin Say (D).

HAWAII HB 1029 – PERMITTING - Repeals the provision for automatic permit approvals. Effective immediately. Introduced 22 January 2003. Passed House 4 March. The sponsor is Representative Sol Kaho'ohalahala (D).

HAWAII HB 1039 – PESTICIDES - Establishes integrated pest management policies to prohibit the use of toxicity category I pesticides. Effective immediately. Introduced 22 January 2003. Died upon failure to meet crossover deadline 6 March. The sponsor is Representative Sol Kaho'ohalahala (D).

HAWAII HB 1056 – GROWTH MANAGEMENT - Grants qualified business status under enterprise zone law to any lawful business that creates job opportunities within the boundaries of the Kalaeloa community development district, provided that the business is not located on lands retained by the U.S. Navy. Effective 1 July 2003. Introduced 22 January 2003. Died upon failure to meet crossover deadline 6 March. The sponsor is Representative Romy Mindo (D).

HAWAII HB 1200 – MUNITIONS - Allows national criminal background checks prior to issuance or renewal of a Certificate of Fitness for users, dealers, and storers of explosives. Imposes reporting requirement on

individuals who purchase, use or store explosive materials. Introduced 23 January 2003. Died upon failure to meet crossover deadline 6 March. The sponsor is Representative Calvin Say (D).

HAWAII HB 1282 – PESTICIDES - Establishes integrated pest management policies to prohibit the use of toxicity category I pesticides. Introduced 31 January 2003. Died upon failure to meet crossover deadline 6 March. The sponsor is Representative Calvin Say (D).

HAWAII HB 1326 – ALTERNATIVE FUELS - Requires 10% of state-owned bi-fueled vehicles to use only alternative fuels by 1 January 2010. Establishes an income tax credit for the purchase of vehicles that use alternative fuels. Allows certain low-emission vehicles or hybrid vehicles to use HOV lanes regardless of the number of passengers in those vehicles. Introduced 23 January 2003. Died upon failure to meet crossover deadline 6 March. The sponsor is Representative Cynthia Thielen (R).

HAWAII HB 1405 – ALTERNATIVE FUELS - Establishes a preference in state contracts for the use of biofuels. Introduced 23 January 2003. Passed House 27 February. The sponsor is Representative Hermina Morita (D).

HAWAII SB 454 – INSPECTION AND MAINTENANCE PROGRAMS - Abolishes periodic motor vehicle inspections (safety checks). Introduced 17 January 2003. Died upon failure to meet crossover deadline 6 March. The sponsor is Senator Sam Slom (R).

HAWAII SB 503 – WATER QUALITY - Increases, from \$25,000 to \$40,000, the fine for each violation of the water pollution law, or any rule, permit, or variance issued under that law. Enacts provisions relating to muddy water, underground injection, and nutrients. Allows citizen suits. Introduced 17 January 2003. Died upon failure to meet crossover deadline 6 March. The sponsor is Senator J. Kalani English (D).

HAWAII SB 557 – EXOTIC NUISANCE SPECIES - Establishes the Invasive Species Council and the Advisory Committee on Invasive Species to provide for the control, prevention, inspection, eradication, and disposition of invasive species, and coordinates with other governments to protect the State against invasive species. Introduced 17 January 2003. Died upon failure to meet crossover deadline 6 March. The sponsor is Senator Lorraine Inouye (D).

HAWAII SB 602 – PESTICIDES - Establishes integrated pest management policies to prohibit the use of toxicity category I pesticides. Effective immediately. Introduced 17 January 2003. Died upon failure to meet crossover deadline 6 March. The sponsor is Senator Brian Taniguchi (D).

HAWAII SB 700 – EXOTIC NUISANCE SPECIES - Increases Department of Transportation dockage, wharfage, and demurrage fees by 5% to pay for the inspection of incoming vessels, cargo, and ballast water for invasive species; requires the Department of Transportation to work with the Department of Land and Natural Resources, which is the lead agency for the prevention and destruction of alien aquatic species. Introduced 17 January 2003. Died upon failure to meet crossover deadline 6 March. The sponsor is Senator Russell Kokubun (D).

HAWAII SB 708 – ENVIRONMENTAL PROCEDURES - Authorizes the Office of Environmental Quality Control (OEQC) to review and override the determination of an agency's determination of whether its proposed action requires an environmental impact statement. Introduced 17 January 2003. Died upon failure to meet crossover deadline 6 March. The sponsor is Senator Russell Kokubun (D).

HAWAII SB 840 – WASTEWATER - Authorizes OEQC to review and override the an agency's determination of whether its proposed action requires an environmental impact statement. Requires an environmental assessment for proposed wastewater facilities, waste-to-energy facilities, landfills, oil refineries, and power generating facilities. Introduced 17 January 2003. Passed Senate 4 March. The sponsor is Senator J. Kalani English (D).

HAWAII SB 841 – ENVIRONMENTAL JUSTICE - Requires the disclosure and specification of proposed mitigation of environmental justice impacts in environmental impact statements. Effective immediately. Introduced 17 January 2003. Died upon failure to meet crossover deadline 6 March. The sponsor is Senator J. Kalani English (D).

HAWAII SB 843 – ENVIRONMENTAL PROCEDURES - Allows state and county agencies to enter into habitat conservation plans and safe harbor agreements. Requires legislative approval of certain plans and agreements. Provides for the enforcement of habitat conservation plans and safe harbor agreements through citizen lawsuits. Introduced 17 January 2003. Passed Senate 4 March. The sponsor is Senator J. Kalani English (D).

HAWAII SB 857 – EXOTIC NUISANCE SPECIES - Establishes a state invasive species administrator and authorizes the Departments of Agriculture, Health, and Land and Natural Resources to enter private property for the purpose of controlling or eradicating alien invasive species. Introduced 17 January 2003. Passed Senate 4 March. The sponsor is Senator J. Kalani English (D).

HAWAII SB 1024 – NOISE POLLUTION - Enables counties to regulate operation of firing ranges within their jurisdiction. Introduced 21 January 2003. Died upon failure to meet crossover deadline 6 March. The sponsor is Senator Willie Espero (D).

HAWAII SB 1372 – MUNITIONS - Permits national criminal background checks prior to issuance or renewal of a Certificate of Fitness for users, dealers, and storers of explosives. Imposes reporting requirement on individuals who purchase, use or store explosive materials. Introduced 22 January 2003. Died upon failure to meet crossover deadline 6 March. The sponsor is Senator Robert Bunda (D).

HAWAII SB 1593 – ENVIRONMENTAL JUSTICE - Requires government agencies to develop, implement, and report on environmental justice strategies. Creates an interagency working group to assist government agencies in discharging their environmental justice responsibilities. Creates an advisory committee of nongovernmental groups to advise the working group. Requires environmental research, data collection, and analysis. Requires agencies to consider environmental justice principles in determining whether an action will have a significant effect. Effective 1 July 2003. Introduced 24 January 2003. Passed Senate 4 March. The sponsor is Senator Colleen Hanabusa (D).

HAWAII SB 1681 – AUTOMOTIVE EMISSIONS - Directs the Department of Health to develop greenhouse gas emission standards and adopt rules that achieve the maximum feasible reduction of greenhouse gases emitted by passenger vehicles and light-duty trucks and any other vehicles determined by the department to be vehicles whose primary use is noncommercial personal transportation in the State. Introduced 24 January 2003. Died upon failure to meet crossover deadline 6 March. The sponsor is Senator J. Kalani English (D).



NEVADA

Regulatory Developments & Other State Information

No significant regulatory issues to report.

Legislative Developments

The 2003 legislative session convened 3 February. The Legislature will adjourn 2 June. For current information on the legislative session, link <http://www.leg.state.nv.us/>.

NEVADA AB 36 – AIR QUALITY - Revises provisions for regulation of smoke and other emissions by inspection of certain heavy-duty motor vehicles. Prefiled and referred to Assembly Natural Resources, Agriculture, and Mining Committee 31 January 2003. The sponsor is the Assembly Natural Resources, Agriculture and Mining Committee.

NEVADA AB 136 – ENDANGERED SPECIES - Authorizes the creation of a general improvement district for the preservation of one or more species or subspecies of wildlife threatened with extinction. Introduced and referred to Assembly Natural Resources, Agriculture, and Mining Committee 14 February 2003. The sponsor is the Government Affairs Committee.

NEVADA SB 30 – LAND USE - Revises the requirements for notice of hearing about any zoning regulation, restriction or boundary. Requires the placement of a statement of facts on certain parcel maps to indicate that the map does not conflict with certain statutory and local provisions. Prefiled 29 January 2003. Referred to Senate Local Government Committee 3 February. The sponsor is Senator Mark Amodei (R).

NEVADA SB 58 – HAZARDOUS MATERIALS - Makes various changes concerning laboratories that perform certain analyses of hazardous waste and regulated substances. Introduced and referred to Senate Natural Resources Committee 6 February 2003. The sponsor is Senator William Raggio (R).

NEVADA SB 119 – HAZARDOUS WASTE - Imposes certain restrictions on the transportation and storage of hazardous waste. Introduced and referred to Senate Natural Resources Committee 13 February 2003. The sponsor is Senator Raymond Shaffer (D).

NEVADA SB 127 – HAZARDOUS MATERIALS - Authorizes the Division of Environmental Protection of the State Department of Conservation and Natural Resources to investigate certain accidents at regulated facilities. Requires the State Environmental Commission to adopt regulations designating a list of highly hazardous substances and designating specific materials that are subject to regulation as explosives. Introduced and referred to Senate Natural Resources Committee 14 February 2003. The sponsor is the Senate Commerce and Labor Committee.

NEVADA SB 201 – HAZARDOUS MATERIALS - Eliminates the limitation on the amount of fees that the State Emergency Response Commission may impose for the services of the Commission and for the storing or manufacturing of extremely hazardous materials under certain circumstances. Introduced 25 February 2003. The sponsor is the Senate Natural Resources Committee.

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